

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 16-2183

FABIO K. PERIERA,

Plaintiff - Appellant,

v.

CREATIVE ARTISTS AGENCY; INTERNATIONAL CREATIVE
MANAGEMENT; UNITED TALENT AGENCY; RICHARD LOVETT, President,
CAA; ASHLEY HASZ; CHRIS LAWSON,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Leonie M. Brinkema, District Judge. (1:16-cv-01220-LMB-JFA)

Submitted: March 20, 2017

Decided: May 4, 2017

Before GREGORY, Chief Judge, and NIEMEYER and FLOYD, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Fabio K. Periera, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Fabio Krishna Periera seeks to appeal the district court's *sua sponte* order dismissing his civil action without prejudice for his failure to allege facts in the complaint to make a prima facie showing of personal jurisdiction over the defendants. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). We conclude that the order Periera seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *See Goode v. Central Va. Legal Aid*, 807 F.3d 619 (4th Cir. 2015).

Accordingly, we deny leave to proceed in forma pauperis, deny the pending motions, dismiss the appeal for lack of jurisdiction, and remand the case to the district court with instructions to allow Periera an opportunity to amend or supplement his complaint.* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED AND REMANDED

* We note that a defendant may waive the defense of a lack of jurisdiction over the person, *see* Fed. R. Civ. P. 12(h)(1); *Ruhrigas AG v. Marathon Oil Co.*, 526 U.S. 574, 584 (1999), and we express no view on the propriety of the district court's *sua sponte* dismissal of the action on this basis.